

**BUILDINGS AND BUILDING REGULATIONS\***

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**ARTICLE I. IN GENERAL**

**Secs. 5-1—5-20. Reserved.**

**ARTICLE II. BUILDING CODE**

**Sec. 5-21. Enforcing agency designated.**

Pursuant to the provisions of the Michigan State Construction Code Act in accordance with Section 9 of Act 230, P.A. 1972, as amended, the building official of the City of Algonac is hereby designated as the enforcing agency to discharge the responsibility of the city under Act 230, P.A., 1972, as amended, State of Michigan. The city assumes responsibility for the administration and enforcement of said act throughout its corporate limits.  
(Ord. No. 167, § 1, 3-1-88; Ord. No. 2000-1, § 1, 2-15-00)

**Sec. 5-22. Adoption of building code.**

A certain document, three (3) copies of which are on file in the office of the city clerk being marked and designated as "The Michigan Building Code," as published by the State of Michigan, be and is hereby adopted as the building code of the city for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties,

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\***Cross references**—Community development, Ch. 7; fire prevention and protection, Ch. 8; flood damage prevention, Ch. 9; garbage and refuse, Ch. 10; planning, Ch. 17; streets, sidewalks and other public places, Ch. 20; subdivision regulations, Ch. 21; swimming pools, Ch. 22; utilities, Ch. 24; zoning, App. B.

**State law reference**—State construction code act, MCL 125.1501 et seq., MSA 5.2949(1) et seq.

conditions and terms of said Michigan Building Code are hereby referred to, adopted and made a part hereof as if fully set out in this article with the additions, insertions, deletions and changes, if any, prescribed in section 5-23.

(Ord. No. 192, 5-15-90; Ord. No. 96-07, 12-17-96; Ord. No. 2001-2, § 1, 6-5-01)

**Sec. 5-23. Additions, insertions and changes.**

The following sections of the code adopted in this article are hereby revised as follows:

*Section 101.1.* Insert: City of Algonac.

*Section 104.0.* is hereby amended to read: Code official.

*Section 104.1.* Code official: The department of building inspection is hereby created and the official in charge thereof shall be known as the code official.

*Section 104.2.* Appointment: The code official shall be appointed by the chief appointing authority of the jurisdiction.

*Section 112.3.1.* Insert: See resolution setting fees.

*Section 116.4.* Insert: Misdemeanor; five hundred dollars (\$500.00); ninety (90) days.

*Section 117.2.* Insert: One hundred dollars (\$100.00); five hundred dollars (\$500.00).

*Section 3408.2.* Insert: January, 1, 1950.

(Ord. No. 192, 5-15-90; Ord. No. 93-05, 11-16-93; Ord. No. 94-04, 3-1-94; Ord. No. 94-08, 7-5-94; Ord. No. 96-7, 12-17-96)

**Sec. 5-24. Savings clause.**

Nothing in this article or in the building code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. No. 192, 5-15-90)

**Secs. 5-25—5-50. Reserved.**

**ARTICLE III. ELECTRICAL CODE\***

**DIVISION 1. GENERALLY**

**Sec. 5-51. Adoption of Michigan Electrical Code.**

The Michigan Electrical Code is hereby adopted by reference. The purpose of such code is for safeguarding life and property by regulating and providing for the inspection of the installa-

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\***State law reference**—Regulation of wiring, MCL 338.881 et seq., MSA 18.204(1) et seq.

tion, alteration, repairing, servicing and maintenance of electrical equipment; and to provide for the administration and enforcement thereof. Printed copies of the Michigan Electrical Code shall be kept in the office of the city clerk for public use, inspection and distribution.

(Ord. No. 134C, § 1, 1-19-88; Ord. No. 91-04, 2-19-91; Ord. No. 94-05, 3-1-94; Ord. No. 96-08, 12-17-96; Ord. No. 2001-2, § 1, 6-5-01)

**Charter reference**—Authority to adopt technical codes, § 7.6

**State law reference**—Authority to adopt technical codes by reference, MCL 117.3(k), MSA 5.2073(k).

**Secs. 5-52—5-75. Reserved.**

**Note**—See the editor's note at the end of Art. III.

**DIVISION 2. PERMITS AND INSPECTIONS**

**Sec. 5-76. Reserved.**

**Note**—See the editor's note at the end of Art. III.

**Sec. 5-77. Fee.**

When an application is made for a permit required under this division, a fee shall be paid in an amount as prescribed by resolution of the city council.

(Ord. No. 134, § 2, 4-4-72)

**Sec. 5-78. Inspector designated; jurisdiction.**

The city council shall appoint an electrical inspector who shall inspect all electrical installations and report to the building official. This jurisdiction shall apply to the installation of wiring devices, apparatus and equipment for connection to electricity supply systems having voltages over thirty (30) volts, except as provided in section 5-76(b); however, jurisdiction shall apply in all systems and all voltages when safety to life and property is involved.

(Ord. No. 134, § 1, 4-4-72)

**Secs. 5-79—5-110. Reserved.**

**Editor's note**—Ord. No. 2001-2, §§ 1, 2 adopted June 5, 2001, repealed §§ 5-52, 5-53, 5-76, 5-79—5-86 which pertained to the city's electrical code. For complete derivation see the Code Comparative Table at the back of this volume.

**ARTICLE IV. PLUMBING CODE\***

**Sec. 5-111. Enforcing agency designated.**

Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125, 1501 et seq. MSA 5.2949(1) et seq.) as

**\*Cross reference**—Utilities, Ch. 24.

**State law reference**—Regulation of plumbing and licensing of plumbers, MCL 338.901 et seq., MSA 14.451 et seq.

amended, the plumbing official of the city is hereby designated as the enforcing agency to discharge the responsibilities of the city under such act. The city hereby assumes responsibility for the administration and enforcement of the act throughout its corporate limits. (Ord. No. 169, § 1, 3-1-88)

**Sec. 5-112. Adoption of Michigan Plumbing Code.**

A certain document, three (3) copies of which are on file in the office of the city clerk, being marked and designated as Michigan Plumbing Code, as published by the State of Michigan, be and is hereby adopted as the plumbing code of the City of Algonac for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Algonac and providing for the issuance of permits and collection of fees therefor; and each and all of regulations, provisions, conditions and terms of such Michigan Plumbing Code, published by the State of Michigan on file in the office of the City of Algonac are hereby referred to, adopted and made a part hereof as if fully set out in this article.

(Ord. No. 98-7, § 1, 7-7-98; Ord. No. 99-1, § 1, 2-2-99; Ord. No. 2001-2, § 1, 6-5-01)

**Editor’s note**—Ord. No. 98-7, § 3, adopted July 7, 1998, repealed former § 5-112, which pertained to the adoption of the National Plumbing Code and derived from Ord. No. 195, adopted May 15, 1990 and Ord. No. 94-06, adopted Mar. 1, 1994.

**Sec. 5-113. Additions, insertions and changes.**

The following sections are hereby revised:

*Section 101. 1. Title.* These regulations shall be known as the Plumbing Code of the City of Algonac hereinafter referred to as "this code".

*Section 106.5.2. Fee schedule.* The fees for all plumbing work shall be as indicated in the following schedule:

*Plumbing Permit Fees*

Base Permit	\$30.00
Fixtures Each	4.00
Stacks, Vents & Conductors Each	3.00
Sewers Each	5.00
Subsoil Drains Each	5.00
Drains Each	3.00
Water Service Each	5.00
Manholes, Catch Basins Each	5.00
Sewage Pumps, Sewage Ejectors Each	5.00
Water Distributing Pipe system:	
¾ Inch	5.00
1 Inch	10.00
1 ¼ Inch	15.00

*Plumbing Permit Fees*

1 ½ Inch	20.00
2 Inch	30.00
Over 2 Inch	35.00
Back Flow Preventor Each	5.00
Water Connected Appliances Equipment And Devices Each	3.00
Floor Drains, Special Drains & Traps Each	3.00
Laboratory, Hospital, Clinic Fixtures, Equipment Devices Each	3.00
Re-Inspection	25.00
Special Inspection Fee	35.00
Pre-Manufactured Each Unit or Home Base Fee, Plus Water Distributing Pipe and Backflow, if required	70.00
Plumbing Code Review Fee 30% of Total Plumbing Permit Fees	
New Home (2 Inspections)	
Under 1200 sq ft	90.00
Over 1200 sq ft	110.00
Over 2800 sq ft Minimum	150.00

*Section 108.4. Violation penalties.* Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 108.5. Stop work orders.* Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. When an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00.

*Section 305.6.1. Sewer depth.* There are no private sewage disposal systems in the city. Building sewers shall be a minimum of twenty-four (24) inches below grade.



*Section 904.1. Roof extension.* All open vent pipes that extend through a roof shall be terminated at least twelve (12) inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven (7) feet above the roof.

*Chapter 14. Name of Building Code:* The BOCA National Building Code/ 1996 Name of Gas Code deleted. Name of Mechanical Code: International Mechanical Code/ 1996.

(Ord. No. 98-7, § 2, 7-7-98; Ord. No. 99-1, § 2, 2-2-99; Ord. No. 2001-2, § 1, 6-5-01)

**Editor's note**—Ord. No. 98-7, § 3, adopted July 7, 1998, repealed § 5-113, which pertained to additions, insertions and changes to the National Plumbing Code and derived from Ord. No. 195, adopted May 15, 1990; Ord. No. 94-06, adopted Mar. 1, 1994; and Ord. No. 94-10, adopted July 5, 1994.

#### **Sec. 5-114. Savings clause.**

If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The city hereby declares that it would have passed this article, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(Ord. No. 98-7, § 4, 7-7-98)

**Editor's note**—Ord. No. 98-7, § 3, adopted July 7, 1998, repealed § 5-114, which pertained to a similar subject matter and derived from Ord. No. 195, adopted May 15, 1990.

#### **Secs. 5-115—5-135. Reserved.**

### **ARTICLE V. MECHANICAL CODE**

#### **Sec. 5-136. Enforcing agency designated.**

Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), as amended, the heating official of the city is hereby designated as the enforcing agency to discharge the responsibilities of the city under such act. The city hereby assumes responsibility for the administration and enforcement of the act throughout its corporate limits.

(Ord. No. 168, § 1, 3-1-88)

#### **Sec. 5-137. Adoption of Michigan Mechanical Code.**

A certain document, three (3) copies of which are on file in the office of the city clerk being marked and designated as "The Michigan Mechanical Code," as published by the State of Michigan, be and is hereby adopted as the mechanical code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations,

provisions, conditions and terms of such Michigan Mechanical Code, published by the State of Michigan, on file in the office of the city clerk are hereby referred to, adopted and made a part hereof as if fully set out in this article.

(Ord. No. 194, 5-15-90; Ord. No. 94-03, 3-1-94; Ord. No. 96-11, 12-17-96; Ord. No. 2001-2, § 1, 6-5-01)

#### **Sec. 5-138. Additions, insertions and changes.**

The following sections of the code adopted in this article are hereby revised as follows:

*Section 101.1.* Insert: City of Algonac.

*Section 106.5.2.* Insert: See resolution setting fees.

*Section 106.5.3.* Insert: 50%; 50%.

*Section 108.4.* Insert: Misdemeanor; five hundred dollars (\$500.00).

*Section 108.5.* Insert: One hundred dollars (\$100.00); five hundred dollars (\$500.00); ninety (90) days.

(Ord. No. 194, 5-15-90; Ord. No. 94-03, 3-1-94; Ord. No. 94-09, 7-5-94; Ord. No. 96-11, 12-17-96)

#### **Sec. 5-139. Savings clause.**

Nothing in this article or in the Mechanical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. No. 194, 5-15-90)

#### **Secs. 5-140—5-160. Reserved.**

### **ARTICLE VI. RESERVED\***

#### **Secs. 5-161—5-185. Reserved.**

**\*Editor's note**—Formerly, §§ 5-161 and 5-162 pertained to the adoption and amendment of an existing structures code, derived from Ord. No. 170, §§ 1, 2, adopted Mar. 1, 1988. Such sections were repealed by Ord. No. 99-2, adopted June 15, 1999.

**ARTICLE VII. MULTIPLE DWELLINGS AND ROOMINGHOUSES\*****DIVISION 1. GENERALLY****Sec. 5-186. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dwelling* means any room, enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing shall not be regarded as a dwelling.

*Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking or eating.

*Multiple dwelling* means any dwelling containing two (2) or more dwelling units or rooming units.

*Operator* means any person who has charge, care, control or management of a building or part thereof in which dwelling units or rooming units are let.

*Owner* means any person alone or jointly or severally with others who has:

- (1) Legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Charge, care or control of any premises, dwelling or dwelling unit, as owner or agent of the owner, or the executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he were the actual owner.

*Roominghouse* means any dwelling or that part of any dwelling containing one (1) or more rooming units.

*Rooming unit* means any room or group of rooms forming a single habitable unit used or intended for living or sleeping but not for cooking purposes.

*Temporary housing* means any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or any utility system on the same premises.

(Ord. No. 132, 4-4-72)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**\*Cross reference**—Bed and breakfast establishments, 11-21 et seq.



**Sec. 5-187. Records.**

Every owner or operator of a licensed multiple dwelling or roominghouse shall keep, or cause to be kept, records of all requests for repair and complaints by tenants which are related to the provisions of this article and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the owner or operator to the representative of the city for inspections and copying on request. Such records shall be admissible in any administrative or judicial proceedings pursuant to the provisions of this article as prima facie evidence of the violation or the correction of violation of this article or applicable rules or regulations pursuant thereto.

(Ord. No. 132, Art. 4, 4-4-72)

**Sec. 5-188. Notice of violation.**

Whenever, upon inspection of the licensed multiple dwelling or roominghouse, or of the records required to be kept by section 5-187, the inspector finds that conditions or practices exist which are in violation of the provisions of this article or of any applicable rules or regulations pursuant thereto, he shall serve the owner or operator with notice of such violations. Such notices shall be in writing and shall:

- (1) Set forth the alleged violations of this article or of applicable rules and regulations issued pursuant thereto;
- (2) Describe the dwelling, dwelling unit or rooming unit where the violations are alleged to exist or to have existed;
- (3) Provide a reasonable time, not to exceed thirty (30) days, for correction of any violation alleged; and if not corrected, the operating license may be suspended;
- (4) Be served upon the owner, operator or agent of the dwelling, dwelling unit or rooming unit personally or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, operator or agent. If one (1) or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting a notice in or about the dwelling, dwelling unit or rooming unit described in the notice; and
- (5) Be served upon a resident agent for the receipt of such service of notice.

(Ord. No. 132, Art. 5, 4-4-72)

**Sec. 5-189. Violations.**

The owner or operator of licensed multiple dwellings or roominghouses who shall fail to comply with any notice or order to correct violations of this article or any applicable rules or regulations of the city given by any person authorized by the city to give such notice or order shall be guilty of a misdemeanor.

(Ord. No. 132, Art. 9, 4-4-72)

**Secs. 5-190—5-210. Reserved.**

## DIVISION 2. LICENSE

**Sec. 5-211. Required.**

No person shall operate a multiple dwelling or roominghouse unless he holds a current, unrevoked operating license issued by the city clerk in his name for the specific named multiple dwelling or roominghouse.

(Ord. No. 132, Art. 1, 4-4-72)

**Sec. 5-212. Conditions for issuance and renewal.**

(a) Every operating license pursuant to this division shall be issued for a period of one (1) year from its date of issuance unless sooner revoked, and may be renewed for successive periods not to exceed one (1) year.

(b) The city clerk is hereby authorized upon completion of application therefor to issue new operating licenses, and renewal thereof, in the names of applicant owners or operators of multiple dwellings and roominghouses. No such license shall be issued unless the multiple dwelling or roominghouse in connection with which the license is sought is found after inspection to meet all the requirements of this article and of applicable rules and regulations pursuant thereof.

(c) No operating license shall be issued or renewed unless the applicant owner or operator agrees in his application to such inspections as are authorized by rules and regulations of the city and are required by the city to determine whether the multiple dwelling or roominghouse in connection with such license is sought is in compliance with the provisions of this article and with applicable rules and regulations.

(d) No operating license shall be issued or renewed unless the completed application form is accompanied by the payment of a license fee as prescribed by resolution of the city council.

(e) No operating license shall be issued or renewed for a nonresident applicant, unless such applicant has first designated an agent for the receipt of service of violations of the provisions of this article and for the service of process pursuant to this article, when such applicant is absent from this city for thirty (30) days or more. Such designation shall be in writing, and shall accompany each application form. The applicant may designate any resident of the city to be his agent for this purpose.

(f) No operating license shall be renewed unless an application therefor has been made within thirty (30) days prior to the expiration of the present operating license.

(Ord. No. 132, Art. 2, 4-4-72)

**Sec. 5-212.1. Inspections.**

The city manager and other such persons as he/she may designate are authorized to make inspections under this article. Failure to permit these inspections in accordance with the terms

of this article and the housing code shall be deemed a violation of this article. If permission for inspection is refused, the city manager may request a warrant from a court of competent jurisdiction for such inspection. Inspections shall be performed:

- (1) At least once every two (2) years; or
- (2) On a complaint basis when deemed necessary.

(Ord. No. 97-02, § 1, 3-18-97)

**Sec. 5-213. Display, transfer.**

Each license under this division shall be displayed in a conspicuous place within the common ways of the multiple dwelling or roominghouse. No license shall be transferred to another person, or to another multiple dwelling or roominghouse. Every person holding an operating license shall give notice in writing to the city within twenty-four (24) hours after having transferred or otherwise disposed of the legal control of any licensed multiple dwelling or roominghouse. Such notice shall include the name and address of the persons succeeding to the ownership or control of such multiple dwelling or roominghouse.

(Ord. No. 132, Art. 3, 4-4-72)

**Sec. 5-214. Suspension.**

At the end of the time he has allowed for corrections of any violation cited, the inspector shall reinspect the multiple dwelling or roominghouse, and if he determines that such conditions have not been corrected, he may issue an order suspending the operating license.

(Ord. No. 132, Art. 6, 4-4-72)

**Sec. 5-215. Appeal of suspension; revocation.**

Any person whose license to operate a multiple dwelling or roominghouse has been suspended shall be entitled to a reconsideration of the order or a formal hearing before the building commission. If no request for reconsideration or petition for hearing reaches the city clerk within twenty-one (21) days following the issuance of the order of suspension, the license shall be revoked, except that prior to revocation any person whose license has been suspended may request reinspection, upon showing that the violation or violations cited in the notice have been corrected.

(Ord. No. 132, Art. 7, 4-4-72)

**Sec. 5-216. Reinstatement; extension of suspension period.**

If, upon reinspection, the inspector finds that the multiple dwelling or roominghouse in connection with which the notice was issued under this division is now in compliance with this article and applicable rules and regulations issued pursuant thereto, he shall reinstate the license. Any request for reinspection shall not extend the suspension period, unless the building commission grants such request.

(Ord. No. 132, Art. 8, 4-4-72)

**Secs. 5-217—5-240. Reserved.**

**ARTICLE VIII. DANGEROUS BUILDINGS\***

**Sec. 5-241. Defined.**

Dangerous buildings for purposes of this article shall be defined as all buildings or structures which:

- (1) Have interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

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\***Cross reference**—Nuisances generally, Ch. 12.

- (2) Exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members or show fifty (50) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
  - (3) Have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
  - (4) Have been damage by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the city;
  - (5) Have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;
  - (6) Light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;
  - (7) Inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, fire escapes or other means of communication;
  - (8) Have parts thereof which are so attached that they may fall and injure members of the public or property;
  - (9) Because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city; or
  - (10) Are in violation of any provision of the housing code of this city, or any provision of the fire prevention code, or other ordinances of this city.
- (Ord. No. 115A, § 1, 4-4- 72)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

#### **Sec. 5-242. Building commission.**

The city council shall appoint a building commission comprised of six (6) members, representing as near as possible the building trades, the public, the police department and the fire department.

(Ord. No. 115A, § 12, 4-4- 72)

**Cross reference**-Boards and commissions generally, § 2-142 et seq.

#### **Sec. 5-243. Nuisances.**

All dangerous buildings are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided by this article.

(Ord. No. 115A, § 3, 4-4-72)



**Sec. 5-244. Standards for repair, vacation or demolition.**

The following standards shall be followed in substance by the building inspector and the building commission in ordering repair, vacation or demolition;

- (1) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article it shall be ordered repaired.
- (2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants it shall be ordered to be vacated.
- (3) In any case where a dangerous building is fifty (50) percent damaged or decayed, or deteriorated from the original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state it shall be demolished.

(Ord. No. 115A, § 2, 4-4-72)

**Sec. 5-245. Duties of building inspector.**

The building inspector shall:

- (1) Inspect or cause to be inspected semiannually all public buildings, school, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings or other structures at such times or intervals as may be deemed necessary for the purpose of determining whether any conditions exist which render such places a dangerous building;
- (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article;
- (3) Inspect any building, wall or structure reported by the fire or police departments as probably existing in violation of the terms of this article;
- (4) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building as shown by the land records of the recorder of deeds of the county, of any building found by him to be a dangerous building that the:
  - a. Owner must vacate or repair or demolish such building in accordance with the terms of the notice and this article,
  - b. Occupant or lessee must vacate the building or may have it repaired in accordance with the notice and remain in possession,
  - c. Mortgagee, agent or other persons having an interest in such building as shown by the land records of the recorder of deeds in the county may at his own risk, repair, vacate or demolish such building or have such work or act done, provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding sixty (60) days, as may be necessary to do, or have done, the work or act required by the notice provided in this subsection.

- (5) Set forth in the notice provided for in subsection (4), a description of the building or structure deemed unsafe, a statement of the particulars that make the building or structure a dangerous building and an order requiring the building to be put in such condition as to comply with the terms of this article within such length of time, not exceeding sixty (60) days, as is reasonable;
- (6) Report to the building commission any noncompliance with the notice provided for in subsections (4) and (5), such report to comprise:
  - a. The name of the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building as shown by the land records of the recorder of deeds of the county,
  - b. The legal description of the property, a description of the building or structure deemed a dangerous building and a statement of particulars which, in his opinion, make the building or structure a dangerous building.
  - c. A recommendation that the building be repaired, vacated or demolished.
- (7) Appear at all hearings conducted by the building commission, and testify as to the condition of dangerous buildings;
- (8) Place a notice on all dangerous buildings reading as follows or as directed by the building commission:

“This building has been found to be dangerous building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of St. Clair. It is unlawful to remove this notice until such notice is complied with.”

- (9) Have the authority according to law to enter, examine and survey at all reasonable times, all buildings and structures.
- (Ord. No. 115A, § 4, 4-4-72; Ord. of 4-16-85, §§ 1, 2)

#### **Sec. 5-246. Duties of building commission.**

The building commission shall:

- (1) Upon receipt of a report of the building inspector as provided for in section 5-245(6) give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the buildings as shown by land records of the recorder of deeds of the county to appear before him on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for in section 5-245(5);

- (2) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in the building as shown by the land records of the recorder of deeds of the county shall offer relative to the dangerous building;
- (3) Make written findings of fact from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a dangerous building;
- (4) Issue an order based upon findings of fact made pursuant to subsection (3), dismissing the case or commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building as shown by the land records of the recorder of deeds of the county to repair, vacate or demolish any building found to be a dangerous building and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing the dangerous building; or any person not the owner of the dangerous building but having an interest in the building as shown by the land records of the recorder of deeds of the county may demolish such dangerous building at his own risk to prevent the acquiring of a lien against the land upon which the dangerous building stands by the city as provided in subsection (5);
- (5) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in subsection (4) within thirty (30) days, the building commission shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards provided for in section 5-244, and shall with the assistance of the city attorney cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment or be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety or general welfare of the people of this city, the city council shall notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building;
- (6) Report to the city attorney the names of all persons not complying with the order provided for in subsection (4).

(Ord. No. 115A, § 5, 4-4-72)

**Sec. 5-247. Duties of the city attorney.**

The city attorney shall:

- (1) Prosecute all persons failing to comply with the terms of the notices provided for in section 5-245(4) and (5) and the order provided for in section 5-246(4);
- (2) Appear at all hearings before the building commission in regard to dangerous buildings;

- (3) Bring suit to collect all municipal liens, assessments or costs incurred by the building commission in repairing or causing to be vacated or demolished dangerous buildings;
- (4) Take such other legal action as is necessary to carry out the terms and provisions of this article.

(Ord. No. 115A, § 7, 4-4-72)

**Sec. 5-248. Duties of police department.**

All employees of the police department shall make a report in writing to the building inspector of any buildings or structures which are, may be or are suspected to be dangerous buildings. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the police department.

(Ord. No. 115A, § 12, 4-4-72)

**Sec. 5-249. Duties of fire department.**

The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are, may be or are suspected to be dangerous buildings. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the fire department.

(Ord. No. 115A, § 11, 4-4-72)

**Sec. 5-250. Emergency cases.**

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building is immediately repaired, vacated or demolished, the building inspector shall report such facts to the building commission. If the building commission, after hearing the report of the building inspector, concurs that an emergency exists it shall cause the city attorney to institute an action in the circuit court for the county requiring the owner, occupant, mortgagee, lessee or others having an interest in the building to show cause why the building should not be immediately repaired, vacated or demolished and the cost thereof collected in the same manner as provided in section 5-246(3).

(Ord. No. 115A, § 9, 4-4-72; Ord. of 4-16-85, § 3)

**Sec. 5-251. Absent owner.**

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notices or orders provided for in this article shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in the building as shown by the land records of the recorder of deeds of the county, to the last known address of each and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

(Ord. No. 115A, § 9, 4-4-72)



**Sec. 5-252. Violations.**

(a) The owner of any dangerous building who fails to comply with any notice or order to repair, vacate or demolish the building given by any person authorized by this article to give such notice or order shall be guilty of a misdemeanor.

(b) The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair the building in accordance with any notice given as provided for in this article shall be guilty of a misdemeanor.

(c) Any person removing the notice provided for in section 5-245(8), shall be guilty of a misdemeanor.

(Ord. No. 115A, § 6, 4-4-72)

**Sec. 5-253. Liability.**

No officer, agent, or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the city attorney until the final determination of the proceedings therein, and the city shall pay the proper costs of the defense.

(Ord. No. 115A, § 10, 4-4-72)

**Secs. 5-254 – 5-299. Reserved.**

**ARTICLE IX. PROPERTY MAINTENANCE CODE**

**Sec. 5-300. Adoption of Property Maintenance Code.**

A certain document, three (3) copies of which are on file in the office of the city clerk being marked and designated as “The BOCA National Property Maintenance Code, Fifth Edition, Copyright 1996,” as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the property maintenance code of the city for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted and made a part hereof as if fully set out in this article with the additions, insertions, deletions and changes, if any, prescribed in section 5-301.

(Ord. No. 196, 5-15-90; Ord. No. 94-01, 3-1-94; Ord. No. 96-10, 12-17-96)

**Sec. 5-301. Additions, insertions and changes.**

The BOCA National Property Maintenance Code is amended and revised in the following respects:

*Section 101.1.* Insert: Algonac.



*Section 106.2.* Insert: One hundred dollars (\$100.00); five hundred dollars (\$500.00); ninety (90) days.

*Section 304.15.* Insert: April 1, December 1.

*Section 602.2.1.* Insert: October 1, May 15.

*Section 602.3.* Insert: October 1, May 15.  
(Ord. No. 196, 5-15-90; Ord. No. 94-01, 3-1-94; Ord. No. 96-10, 12-17-96)

**Sec. 5-302. Savings clause.**

Nothing in this article or in the property maintenance code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.  
(Ord. No. 196, 5-15-90)

**ARTICLE X. SINGLE-FAMILY RENTAL HOUSING**

**Sec. 5-303. Purpose.**

It is the declared policy of the city that the procedures set forth in this article are established in the public interest in order to control blight, maintain property values, and to protect the safety and welfare of the occupants of single-family rental housing and of the general public.  
(Ord. No. 92-03, 2-4-92)

**Sec. 5-304. Definitions.**

The following words and phrases when used in this article shall have the meaning respectively ascribed to them:

*Housing code* shall mean the building code of the city adopted in article II of this chapter and the property maintenance code of the city adopted in article IX of this chapter.

*Landlord* shall mean any person, owner, individual, firm or corporation or any combination thereof, engaged in the business of leasing or renting a dwelling unit to another person.  
(Ord. No. 92-03, 2-4-92)

**Sec. 5-305. Registry of owners and premises.**

(a) The owners of single-family housing which will be offered for rent or hire for more than six (6) months of the calendar year, shall register with the city clerk. Owners of single-family rental housing units which are to become occupied shall register with the city clerk prior to the occupancy of those units.

(b) Registration forms shall be available from the city clerk and shall provide for sufficient information for the efficient administration of this article.

(c) A registry of all owners and premises shall be maintained by the city clerk.  
(Ord. No. 92-03, 2-4-92)

#### **Sec. 5-306. Inspections.**

The city manager and other such persons as he/she may designate are authorized to make inspections under this article. Failure to permit these inspections in accordance with the terms of this article and the housing code shall be deemed a violation of this article. If permission for inspection is refused, the city manager may request a warrant from a court of competent jurisdiction for such inspections. Inspections shall be performed:

- (1) At least once every two (2) years; or
  - (2) Prior to the occupation of any single-family rental housing unit which has been vacated, if such inspection is deemed necessary by the city manager. It shall be the duty of the landlord to advise the city when a single-family rental housing unit is vacated; or
  - (3) On a complaint basis when deemed necessary.
- (Ord. No. 92-03, 2-4-92; Ord. No. 97-02, § 2, 3-18-97)

#### **Sec. 5-307. Correction of violations; penalties.**

(a) Notice of violations and correction of violations under this article shall be in accordance with the housing code.

(b) If violations are found in a vacant unit, the unit shall not be occupied until the violations have been corrected.

(c) Failure of the landlord to comply with the provisions of this article shall constitute a misdemeanor punishable as prescribed in chapter 1, section 1-13 of this code.  
(Ord. No. 92-03, 2-4-92)

#### **Sec. 5-308. Fees.**

Fees shall be prescribed to this article for the following:

- (1) Registration fee for each single-family rental housing unit.
  - (2) Each required inspection.
  - (3) Each required inspection to determine compliance with violation notices.
  - (4) The fees which are required by this article shall be as determined from time to time by resolution of the city council.
- (Ord. No. 92-03, 2-4-92)

#### **Sec. 5-309. Repealer.**

Any and all other ordinances or parts of ordinances of the city which are in conflict herewith are hereby repealed.  
(Ord. No. 92-03, 2-4-92)